

**GENERAL SYNOD**

**DRAFT MISSION AND PASTORAL MEASURE**

**REVISION COMMITTEE REPORT**

**Chair:** The Venerable Richard Atkinson, Archdeacon of Leicester (Leicester)

**Ex-Officio Members:  
(Steering Committee)** Mr James Humphery (Salisbury) (Chair)  
The Reverend Paul Benfield (Blackburn)  
Mrs Jenny Dunlop (Chester)

**Appointed Members:** Mrs Janet Atkinson (Durham)  
Mr Colin Slater (Southwell and Nottingham)  
The Reverend Stephen Trott (Peterborough)

**Staff**

Legal Advisers: Mr Stephen Slack  
The Reverend Judith Egar

Standing Counsel: Sir Anthony Hammond QC

1. The draft Pastoral and Mission Measure, as it was then entitled, (“the draft Measure”) received deemed first consideration from the General Synod (“the Synod”) at the July 2009 Group of Sessions. The period for the submission of amendments under Standing Order 53(a) expired on 14<sup>th</sup> August 2009.
2. The draft Measure has been designated by the Business Committee as a Consolidation Measure under Standing Order 47. By virtue of Standing Order 47(c), any proposed amendment must fall within the definition of ‘corrections and minor improvements’ in Standing Order 47(d) – that is, an amendment of which the sole effect is to:
  - (i) resolve an ambiguity;
  - (ii) remove doubt;
  - (iii) bring an obsolete provision into conformity with modern practice;
  - (iv) remove an unnecessary provision or an anomaly which is not of substantial importance; or
  - (v) improve the form or manner in which the law is stated;or to make transitional provision necessary in consequence of an amendment under (i) to (v) above.
3. Proposals for amendment in accordance with Standing Order 53(a) were received from Mr Clive Scowen (London). A submission (which the Committee agreed to consider) was also received from Mr Kenneth Gumbley,

Chairman of the Legislative Committee of the Diocese of Sodor and Man, who is not a member of the Synod.

4. The Committee has conducted its business by correspondence under Standing Order 53(g). The Committee is grateful to Mr Scowen for enabling this to happen, by agreeing not to exercise his right under Standing Order 53(b) to speak to his proposals.
5. The amendments agreed by the Committee to give effect to the proposals that it accepted are shown in the version of the draft Measure (GS 1740A) now before the Synod. As required by Standing Order 54(b), paragraphs 6 to 14 of this report contain a summary of the proposals received which raised points of substance and the Committee's consideration of them.

### **Order of clauses**

6. Mr Scowen proposed that the draft Measure should be re-ordered so that Part 7 would become Part 3, with subsequent clauses and Parts being renumbered accordingly. He argued that this would reflect the new priority for mission effected by the Dioceses Pastoral and Mission Measure 2007 ("the 2007 Measure") as demonstrated in the general duty stated in section 1 of that Measure and, correspondingly, in section 1 of the draft Measure; that that priority had been reinforced by the Synod when, at the Revision Stage of the 2007 Measure, it had agreed to change the name of the Pastoral and Mission Committee to 'Mission and Pastoral Committee'; and that the message that decision gave should be reflected in the architecture of the draft Measure.
7. Standing Counsel considered that the ordering of the draft Measure correctly reflected its content. Notwithstanding its change of name, the functions of the Mission and Pastoral Committee, as listed in clause 3(3), were primarily concerned with pastoral schemes and orders and church buildings. By far the greater part of the draft Measure also dealt with these matters.
8. The Committee rejected Mr Scowen's proposal by a majority of six votes to one.

### **Clause 82(4)**

9. Both Mr Scowen and Mr Gumbley pointed out that clause 82(4) of the draft Measure was unnecessary, because the amendment to the Church Representation Rules effected by section 49(4) of the 2007 Measure had already taken effect and would be preserved by section 16 of the Interpretation Act 1978.
10. The Committee agreed that clause 82(4) should be omitted.

### **Clause 112(1)**

11. Mr Gumbley explained that the references in clause 112(1) to the Isle of Man, which reproduced the wording in the Pastoral Measure 1983, were now out of

date. A revised form of words had been adopted in Measures passed in recent years. This was more constitutionally correct, in that it recognised the inherent power of Tynwald to pass an Act extending a Measure to the Isle of Man and also took account of the Church Legislation Procedure Act 1993 (of Tynwald) which, as an alternative, permitted a Measure to be extended to the Isle of Man by way of an instrument made under that Act.

12. The Committee agreed that the outdated wording of clause 112(1) should be revised to bring it into conformity with modern practice.

#### **Clause 112(4): Short Title**

13. Mr Scowen argued that the short title of the draft Measure should be changed to “Mission and Pastoral Measure” for the reasons set out in paragraph 6 above. Standing Counsel took the view that the short title should reflect the content and that, as provisions relating to pastoral schemes and orders and church buildings constituted the greater part of the draft Measure, the short title should remain as originally drafted.
14. A majority of the Committee, while accepting the force of Standing Counsel’s argument, took the view that amending the short title as proposed by Mr Scowen would help to promote the recognition that all that the Church does, including pastoral reorganisation, has mission as its primary object and focus. The Committee therefore accepted Mr Scowen’s proposal by a majority of four votes to three.

#### **Minor drafting amendments**

15. The Committee also agreed a number of minor drafting amendments designed:
  - (a) to ensure consistency with the 2007 Measure in the use of the term “church building” (a point raised by Mr Scowen); and
  - (b) to render the language of the draft Measure gender-neutral wherever practicable. The references in paragraph 4 of Schedule 3 to “chairman” and “chairmanship” have, however, been retained to reflect the terminology used in the Church Representation Rules, to which that paragraph refers at a number of points.

**Richard Atkinson**  
**Chair**  
**On behalf of the Committee**

**13<sup>th</sup> January 2010**

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